

## Specification Amendments

Please replace the text at page 4, line 13 through page 5, line 13 in its entirety with the following:

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The present invention meets the need in the art by providing a fence panel that readily adjusts to conform substantially to a slope of a terrain during installation of the fence panel. The fence panel tracks a sloped grade of a portion of a terrain surface for attaching to adjacent ones of the fence panel to define an elongate length of fencing along the terrain surface, comprises a first rail disposed parallel and spaced-apart from a second rail, which rails define a longitudinal length of a fence panel. Each rail defines opposing first and second side edges, with the rails disposed at an angle relative to horizontal. A plurality of spaced-apart pickets define a pair of opposing outer pickets and a plurality of inner pickets. The pickets are disposed substantially perpendicular to horizontal and attach to the rails with fasteners such that the inner pickets are attached to a respective one of the rails by fasteners on the first side edge and the outer pickets are attached to the respective one the rails by fasteners on the second side edge. The fence panel, being racked by moving opposing ends of the panel in opposing directions transverse to the longitudinal axis of the rails, conforms a slope of the rails substantially to the slope of the portion of the ground surface by changing the angle between the pickets and the rails while the pickets remain substantially perpendicular to horizontal without the rails rolling away from the inner and outer pickets.

In another aspect, the present invention provides a method of making a fence section for tracking a sloped grade during installation of a fence over a terrain, comprising the steps of:

(a) disposing a pair of rails parallel and spaced-apart at an angle to a horizontal plane to define a longitudinal length of a fence panel, the rails defining opposing first and second side edges;

(b) attaching a plurality of inner pickets to a respective one of the rails substantially perpendicular to the horizontal plane with fasteners such that the fasteners are between the inner pickets and the first side edge of the respective rail;

(c) attaching a pair of opposing outer pickets at opposing ends of the respective rail substantially perpendicular to the horizontal plane by fasteners between the outer pickets and the second side edge of the respective rail; and

(d) repeating steps (b) and (c) for the other of the pair of rails,

whereby the fence section, being racked by moving opposing ends of the section in opposing directions transverse to the longitudinal axis of the rails, conforms a slope of the rails substantially to a slope of a portion of the terrain by changing the angle between the inner and outer pickets and the rails while the inner and outer pickets remain substantially perpendicular to horizontal without the rails rolling away from the inner and outer pickets.

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Please amend the text at page 3, line 3 through line 9:

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Recently, fencing has been produced off-site wherein the rails and pickets are all mounted together to form a panel. The pickets are welded to the rails with the use of a top weld between the picket and the top rail and a bottom weld between the picket and the bottom edge of the bottom rail, as shown in prior art Fig. [3] 6. (In other embodiments, the pickets and the rails are secured with screws).

Please amend the text at page 7, line 14 through page 8, line 2 as follows:

ay Referring now in more detail to the drawings, in which like numerals indicate like parts throughout the several views, Fig. 1 illustrates a fence 10 embodying principles of the invention in a preferred form. The fence 10 has a series of panels or sections 11 mounted to a series of posts 12. Each section 11 includes a top rail 13, a bottom rail 14, and a series of pickets 16 mounted to the top rail 13 and the bottom rail 14. Each rail 13, 14 defines a lower side edge 25 and an upper side edge 26 which side edges abut against a face of the pickets 16 (see Fig. [6] 3), for a purpose discussed below. In the illustrated embodiment, the rails and the pickets are metal.